FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.440 OF 2005
IN
FIRST APPEAL NO. 1443 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

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Mr. B.K. Raje for the applicant.

Mr. Kishore Tambe with Ms. Rupali Dixit for the respondents.

CORAM: SMT. RANJANA DESAI, J.

DATED: 16TH FEBRUARY, 2005.

P.C.:-

The appeal has been admitted. Matter is placed before me for passing interim orders. I have heard Mr. Raje, the learned counsel appearing for the applicant. He drew my attention to the order passed by the trial court and contended that the appellant has been appointed as agent of the receiver. He contended that the appellant's agency may be continued during the pendency of the appeal.

On 19/10/2004, while admitting the appeal, Justice P.V. Kakade, had made Civil Application No.3657 of 2004 absolute in terms of prayer clause (a), which reads thus:

"Pending the hearing and final disposal of the Appeal, the Judgment and Order passed by the Learned Judge of City Civil Court presiding in C.R.No.15 of the said Court in S.C.Suit No.4625 of 2002 on 6th/7th September, 2004 be stayed except in respect of Court Receiver, High Court, Bombay as the Court Receiver is continued by the said Order till 31st December, 2004."

Drawing my attention to the trial court's order, Mr. Raje tried to interpret this order to mean that the agency of the petitioner should be continued during the pendency of the appeal. The learned counsel for the respondents disputes this.

In my opinion, it is not necessary to go into this aspect because if fresh bids are invited in which the petitioner can also participate that

would be in the interest of both sides. The receiver's representative is present in the court. Hence, the receiver is directed to invite fresh bids in respect of the suit property and give the agency to the highest bidder on the usual terms and conditions.

Civil application is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)